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5 Attorneys for Plaintiffs JAREK MOLSKI  
 6 and DISABILITY RIGHTS ENFORCEMENT,  
 EDUCATION SERVICES  
 7

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10

JAREK MOLSKI, an individual; and )  
 11 DISABILITY RIGHTS ENFORCEMENT, )  
 EDUCATION, SERVICES:HELPING )  
 12 YOU HELP OTHERS, a California public )  
 benefit corporation, )

13 Plaintiffs, )  
 14 )

15 v. )

JACK LONDON'S BAR & GRILL; )  
 16 CARMEL CHILI COMPANY, INC., )  
 )

17 Defendant. )  
 18 )

CASE NO. C04-4451 PVT

STIPULATION AND ~~[PROPOSED]~~  
 ORDER GRANTING PLAINTIFFS LEAVE  
 TO AMEND THE COMPLAINT

19 IT IS HEREBY STIPULATED by the parties hereto that plaintiffs may file the Second  
 20 Amended Complaint attached hereto as Exhibit "A". Since service of the first amended  
 21 complaint herein, plaintiffs have learned that Nancy Moresco was improperly named in her  
 22 individual capacity in the first amended complaint. Rather, Ms. Moresco's interest in the  
 23 subject property is as trustee of the William J. Moresco and Nancy J. Moresco Trust.  
 24 Plaintiffs' Second Amended Complaint corrects the capacity in which Nancy Moresco is  
 25 named as a defendant to this action.

26 Since service of the first amended complaint, plaintiffs have also learned of third  
 27 interested party to this action—the George Edward Boutonnet Family Revocable Inter Vivos  
 28 Trust dated March 10, 1999. According to property records obtained with information

provided by counsel for Ms. Moresco, it appears that the George Edward Boutonnet Family Revocable Inter Vivos Trust dated March 10, 1999 holds a 56% interest in the subject real property, and is accordingly, a proper party to this litigation. Therefore, plaintiffs' proposed Second Amended Complaint adds George Edward Boutonnet and Jean Boutonnet in their capacities as trustees of the George Edward Boutonnet Family Revocable Inter Vivos Trust dated March 10, 1999, as defendants to the action.

IT IS FURTHER STIPULATED that counsel for defendants Carmel Chili Company, Inc., dba Jack London's Bar & Grill, and Nancy Moresco will accept notice and service by mail of the Second Amended Complaint. Further, defendant Carmel Chili Company, Inc., shall not be required to answer the amendment. All denials, responses and affirmative defenses contained in the answer filed by defendant Carmel Chili Company, Inc., to the original complaint shall be responsive to the amended complaint. Defendant Nancy Moresco, in her capacity as trustee of the William J. Moresco and Nancy J. Moresco Trust shall file a Answer or other responsive pleading no later than twenty (20) days from the date of mail service of the amended complaint.

IT IS FURTHER STIPULATED that this stipulation may be signed in counterparts and sent by facsimile with the same force and effect of an original signature.

Dated: April 13, 2006

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

By: /s/  
Jennifer L. Steneberg  
Attorneys for Plaintiffs JAREK MOLSKI and  
DISABILITY RIGHTS ENFORCEMENT, EDUCATION,  
SERVICES:HELPING YOU HELP  
OTHERS, a California public benefit corporation

Dated: April 11, 2006

HUGO TORBET, ATTORNEY AT LAW

By: /s/  
Hugo Torbet  
Attorney for CARMEL CHILI COMPANY, INC., dba  
JACK LONDON'S BAR & GRILL

1 Dated: April 10, 2006

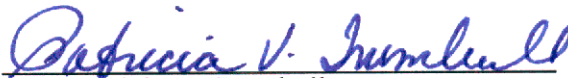
NOLAND, HAMERLY, ETIENNE & HOSS

2  
3 By: /s/  
4 Kirk R. Wagner  
Attorneys for Defendant NANCY MORESCO

5  
6 **ORDER**

7 IT IS SO ORDERED.

8  
9 Dated: 4/14, 2006

10   
11 Hon. Patricia V. Trumbull  
UNITED STATES MAGISTRATE JUDGE